STATE OF CALIFORNIA Edmund G. Brown Jr., Governor

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

August 18, 2011

Susan J. Nelson, AIA
Regulatory Affairs
Southern California Edison
2244 Walnut Grove Avenue, Quad 3D, GO1
Rosemead, CA 91770

RE: Tehachapi Renewable Transmission Project (TRTP), Segments 4-11: Variance Request (VR) #81

Dear Ms. Nelson,

On August 12, 2011, Southern Californian Edison (SCE) submitted a variance request to allow the portion of General Petroleum Road between Towers 48 and 49 to be changed to "Heavy Improvement" from "Medium Improvement" on Segment 10 Transmission Line (T/L) of the Tehachapi Renewable Transmission Project (TRTP) in Kern County, California. **This Variance Request is approved by CPUC based on the following factors:**

- SCE submitted the following information:

  SCE submitted a request for a Variance to allow the portion of General Petroleum Road between Towers 48 and 49 to be changed to "Heavy Improvement" on Segment 10 T/L of the TRTP in Kern County, California. Subsequent to the approval of the NTPR (NTP #27 dated March 8, 2011) by the CPUC, project site conditions have been further evaluated and a change is needed to an approximate 1,055-foot long portion of General Petroleum Road between Towers 48 and 49.

  This portion of General Petroleum Road was approved by the CPUC for "Medium Improvement". However, the current road bed (approximately 8 feet wide) is not wide enough to accommodate large construction equipment for the project. Therefore, the road is proposed for "Heavy Improvement", which will entail widening the road to 14 feet.

  Due to the presence of a cultural resources site in the area, road widening activities will be limited to vegetation trimming. No grading, scraping, or grubbing will be performed. In addition, no berms will be installed along the road.

- **Biological Resources**: SCE submitted a biological report by ICF International dated August 8, 2011, regarding the *Proposed Segment 10 Road Modification near Constructs 48 and 49.* The report documents the biological conditions at the proposed Segment 10 Road Modification near Constructs 48 and 49 Variance (Variance Project Component) and the 500-foot buffer (Biological Study Area [BSA]). Biological resources and jurisdictional delineation surveys have been conducted for the entire Segment 10 project alignment, including the BSA, where suitable habitat is present. Surveys conducted within the BSA include focused surveys for special-status plants, burrowing owl (*Athene cunicularia*), desert tortoise (*Gopherus agassizii*), Mojave ground squirrel (*Spermophilus mohavensis*), and Swainson's hawk (*Buteo swainsoni*); preconstruction surveys, including those for bats and burrowing owl; 7-day clearance sweeps; and ongoing monitoring and daily sweeps.

Vegetation communities within the BSA were mapped as disturbed/developed and Mojave creosote bush scrub (ICF 2010ag). Mojave creosote bush scrub provides potential habitat for desert tortoise, Mohave ground squirrel, and Swainson's hawk. Special-status plants were not detected within the 500-foot buffer during the 2009, 2010, or 2011 focused surveys (AMEC 2009c; ICF 2010ag, 2010bf, 2011cq).

Focused burrowing owl surveys were completed along Segment 10 by AMEC in 2009 (AMEC 2009f). Potential burrows were identified at the southern end of the BSA. ICF biologists conducted focused burrowing owl surveys in 2010 along Segment 10 (ICF 2010cq1). No burrowing owls or sign of the species were detected within the focused survey area. However, potential burrows were identified near Construct 49 during the 2010 focused surveys. In addition, one special-status species, loggerhead shrike (*Lanius ludovicianus*), was incidentally observed during the 2010 focused survey effort. During all three focused burrowing owl preconstruction surveys in 2011, a burrowing owl was observed at the occupied burrow feature identified during the habitat assessment (general preconstruction surveys) (ICF 2011dd). This active burrowing owl nest (FRED Nest ID 000996) occurs within the BSA, and a 250-foot buffer has been established around the nest.

Focused surveys for desert tortoise were conducted in 2009 and 2010 (AMEC 2009e; ICF and ECORP 2010b). No desert tortoises or sign of the species were observed within the BSA during 2009 or 2010 surveys. Focused desert tortoise surveys were recently completed along Segment 10 in April and May 2011 (ICF 2011eq; in review). No desert tortoises or sign of the species were observed within the BSA; however, an occupied burrowing owl burrow (whitewash and pellets) was identified northwest of Construct 49 (also identified during the preconstruction surveys). A known desert kit fox (*Vulpes macrotis*) den complex with sign, and consisting of six entrances was also identified between Constructs 49 and 50.

Focused surveys for Mohave ground squirrel sere conducted in 2009 along Segment 4 (AMEC 2009d). This species was not observed within the BSA during the 2009 surveys. Surveys were not conducted during 2010 or 2011 based on an agreement with CDFG as part of the 2081 consultation.

Focused Swainson's hawk surveys were conducted in 2009 and 2010 along Segment 10 (AMEC 2009ai; ICF and Bloom 2010a). No Swainson's hawks or active nests were observed within the BSA during the 2009 or 2010 surveys. Swainson's hawk 2011 focused surveys were completed on July 30, 2011. No Swainson's hawk or active nest observations were recorded in the BSA (ICF 2011cq).

A desert woodrat (*Neotoma lepida*) midden, potential and occupied burrowing owl features, and desert kit fox dens were observed within the BSA during the 2011 general preconstruction surveys (ICF 2011dc) and subsequent clearance sweeps.

During 2011 bat preconstruction surveys, potential bat roosts for colonial species were identified in the exfoliating bark of a eucalyptus tree within the BSA near Construct 48 (ICF 2011ac).

Although desert tortoise, Mohave ground squirrel, and Swainson's hawk have not been observed within the BSA, Mojave creosote bush scrub provides potential habitat for these species. Temporary impacts to Mojave creosote bush scrub habitat associated with the Variance Project Component totals 0.08 acres. Impacts to disturbed/developed habitat associated with the Variance Project Component totals 0.26 acres.

The BSA has been partially surveyed, and the impact area was fully surveyed during the original jurisdictional delineation for Segments 4, 5 and 10. One mapped jurisdictional feature (10-20-S-1) overlaps the 500-foot buffer; however, impacts are not anticipated to jurisdictional features (including 10-20-S-1) as a result of the Variance Project Component. Permits were not obtained for 10-20-S-1 because it originates at the road edge and therefore the flows would not be affected by grading activities associated with the previously approved medium improvement access road within the 500-foot buffer. The feature will be

staked and flagged as an Environmentally Sensitive Area (ESA) for avoidance, and if any additional potential features are subsequently identified, they will also be staked and flagged as ESAs for avoidance.

No additional impacts to biological resources are anticipated with the implementation of this Variance.

Cultural and Paleontological Resources: SCE submitted a memorandum dated July 11, 2011, titled *TRTP Variance Request – Seg 10, CT-48/49 Road Improvement – Cultural Clearance for Road Improvement Changes from CT-48 to CT-49 on Segment 10* with the Variance Request stating that no cultural resources will be impacted by the requested road improvement changes on Segment 10 between CT-48 and CT-49 as part of this Variance Request in support of the TRTP. A cultural record search and surveys (Pacific Legacy 2007, 2010a, 2010b, 2011a, 2011b), and a paleontological literature review (Gust and Scott 2009), have been previously conducted for Segment 10 in the area of the current Variance. This research identified no cultural resources within the road prism, but suggested the possibility that paleontological resources may exist.

The access road between CT-48 and CT-49 is located near, but outside of cultural resource KER-7219H. The road is within the 50 foot site buffer. Changes in road improvement from medium to heavy will not impact the site. The site will be flagged for avoidance. This is consistent with the management recommendations stipulated for KER-7129H in the Construction Phase Management Plan.

The paleontological review indicated that the proposed CT-48/49 Road Improvement Variance is within an area containing soils that have the potential to yield paleontological resources (Gust and Scott 2009). Since there is a possibility that paleontological resources exist, paleontological monitoring is recommended when ground disturbing excavation exceeds a depth of two feet; however, no grading, scraping, or grubbing is proposed.

No additional impacts to cultural or paleontological resources are anticipated with the implementation of this Variance.

The conditions noted below shall be met by SCE and its contractors:

- As proposed, due to the presence of a cultural resources site in the area, road widening activities shall be limited to vegetation trimming. No grading, scraping, or grubbing shall be performed. In addition, no berms shall be installed along the road.
- All conditions required by Notice to Proceed (NTP) #27 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #27, and this Variance shall be available on site for the duration of construction activities where applicable.

Sincerely,

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen